

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MONA DOBRICH, et al., :
 :
 Plaintiffs, :
 :
 v. : Civil Action No. 05-120-JJF
 :
 THE INDIAN RIVER SCHOOL :
 DISTRICT, et al., :
 :
 Defendants. :

MEMORANDUM ORDER

In the context of addressing the Scheduling Order for discovery pertaining to the Indian River School Board's prayer policy as written and as applied, the parties have raised the issue of identification of the Doe Plaintiffs. Plaintiffs contend that disclosure of the Does' identities should wait until a protective order is in place, and the disclosure should be limited to the attorneys of record for the Indian River School District (the "School District") and the Indian River School Board (the "School Board") (D.I. 92). The School District and the School Board agree that disclosure of the Does' identities should be made pursuant to a confidentiality order, but contend that the School Board and the School District should be permitted to share the Does' identities with the School Board Members and some employees of the School District so that they can evaluate

whether the Does have standing to pursue their claims. (D.I. 93).

The Court granted the Doe Plaintiffs' unopposed Motion To Proceed Under Pseudonyms on September 22, 2005. The Does may continue to proceed under pseudonyms during the course of this litigation; however, on the Board prayer issue "as written and applied," the Court will permit the Does' identities to initially be revealed only to counsel for the School Board and the School District, pursuant to a jointly negotiated protective order. If counsel for the School Board and the School District determine that further relief is necessary concerning the standing issue, counsel shall file a Sealed Motion setting forth a detailed explanation as to why they cannot make a standing determination from the disclosures given to them. The Doe Plaintiffs shall have five (5) days to file an Answer Brief to any such Motion, and the School Board and the School District shall have two (2) days to file a Reply Brief. Further relief may then be granted by the Court after discovery has been completed on all matters contemplated by the Scheduling Order, to be entered by the Court, on the issue of the School Board's prayer policy as written and as applied.

SO ORDERED.

May 25, 2006
Date


UNITED STATES DISTRICT JUDGE